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SUMMARY OF ACTIONS ON FACILITIES MENTIONED IN THE OHIO REVIEW

The U.S. Environmental Protection Agency (U.S. EPA) has taken the following actions at facilities mentioned in the petition or in comments submitted during the public comment period:

As to the **AK Steel facility in Mansfield**, U.S. EPA issued a Resource Conservation and Recovery Act (RCRA) Section 3013 Order to Armco (AK Steel's predecessor) on September 30, 1998, requiring sampling in several locations, including groundwater, at the facility.

With respect to the **AK Steel facility in Middletown**, U.S. EPA 1) obtained an administrative settlement under the Toxic Substances Control Act (TSCA) on August 21, 1997, assessing an \$11,000 penalty and negotiating a supplemental environmental project (SEP) that required the company to remove polychlorinated biphenyl- (PCB-) contaminated transformers; 2) conducted a multi-media inspection in June of 1997; and 3) filed a multi-media civil complaint on June 29, 2000, citing violations of air, water and hazardous waste regulations. That litigation has recently been joined by Ohio EPA, the Sierra Club and the Natural Resources Defense Council.

In regard to **BP Exploration and Oil, Inc. in Toledo**, U.S. EPA negotiated a consent decree, entered on May 5, 1999, addressing Clean Air Act (CAA) New Source Performance Standards (NSPS) violations; and negotiated a global settlement consent decree, entered on August 29, 2001, addressing CAA New Source Review (NSR), Prevention of Significant Deterioration (PSD), Leak Detection and Repair (LDAR), National Emission Standards for Hazardous Air Pollutants (NESHAP) for benzene waste, and NSPS violations at all of the company's refineries, and assessing a \$10,000,000 penalty.

As to the **Brush Wellman facility in Elmore**, U.S. EPA continues to review monthly outplant air station results.

With respect to **Buckeye Egg facilities located in Croton and Harpster**, U.S. EPA issued a CAA Notice of Violation/ Finding of Violation (NOV/FOV) to Buckeye Egg on January 19, 2001, alleging violations of PSD and Title V permitting requirements at its Croton Road and Marseilles facilities; and issued a unilateral order to Buckeye Egg on October 10, 2002, requiring compliance with CAA Section 114 request for information regarding its Croton, Mt. Victory and Marseilles facilities.

With respect to the **Cinergy Beckjord Plant in New Richmond**, U.S. EPA filed a civil complaint on November 3, 1999, alleging CAA NSR violations; and amended the complaint on December 19, 2002, to add additional plants, including the Miami Fort Plant in North Bend, Ohio.

With regard to **Chrysler Corp. in Toledo** (Toledo Assembly II), U.S. EPA issued a CAA

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Consent Agreement and Final Order (CAFO) on May 16, 2000, assessing a penalty of \$12,000; filed a RCRA administrative complaint on September 27, 2001, alleging air monitoring violations; and resolved that RCRA action in a national settlement filed on September 30, 2002.

As to the **Columbus Waste Energy Plant**, U.S. EPA issued a RCRA Section 7003 Order on September 09, 1994, requiring installation of equipment to reduce dioxin. The facility complied by shutting down.

As to the **ELDA Landfill in Hamilton County**, U.S. EPA reviewed state, county and city permit documents and attended public hearings in the matter. U.S. EPA also provided an affidavit in a citizen's suit, and worked with Waste Management, Inc. and Communities United For Action (CUFA) directly to resolve community concerns about this facility.

With respect to **Envirosafe in Oregon County**, U.S. EPA resolved a RCRA administrative action on May 29, 1998, assessing a \$70,100 penalty; and filed an administrative consent agreement on March 19, 2001, requiring the placement of air filters on the vents in the waste containment building.

As to the **American Electric Power facilities in Brilliant and Beverly**, U.S. EPA filed civil complaints on November 3, 1999, alleging CAA violations at these facilities.

With respect to **Hamilton County sewer overflows in Cincinnati**, U.S. EPA and Ohio EPA entered into an Interim Partial Consent Decree with Defendants in February 2002 that partially addresses the sanitary sewer overflow violations; and the parties are negotiating a second consent decree that will fully address those violations as well as combined sewer overflow and wastewater treatment plant violations.

Regarding **Hancock Manufacturing in Toronto**, U.S. EPA issued a CAA CAFO on November 30, 2001, assessing a \$125,294 penalty, in installments.

With respect to **Hilton Davis Co in Cincinnati**, U.S. EPA entered into a Clean Water Act (CWA) pretreatment settlement on November 09, 1993, assessing a \$431,500 penalty; and settled an RCRA administrative action on March 28, 1997, assessing a \$64,500 penalty and obtaining a SEP.

As to the **Industrial Excess Landfill Site in North Canton**, U.S. EPA filed a cost recovery action in 1989; issued a Record of Decision (ROD) in 1989; issued a ROD amendment in 2002; and is presently attempting to negotiate a consent decree for Remedial Design/Remedial Action (RD/RA) under the Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA).

As to **LTV Steel Co in Cleveland**, U.S. EPA pursued multi-media violations against this

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company, which filed for bankruptcy on December 29, 2000, and was purchased by International Steel Group Inc. on April 12, 2002. U.S. EPA issued a consent agreement and consent order on April 16, 1998, assessing a \$15,725 penalty for TSCA violations; and negotiated a consent decree, entered in June of 2002, assessing penalties totaling \$1,250,000 for CAA violations. The CAA consent decree is an unsecured claim in the bankruptcy. U.S. EPA had also negotiated a consent decree with respect to this company's Warren facility, entered on October 27, 1999, assessing a \$85,000 penalty for RCRA and CWA violations.

In regard to **Marion Steel Co in Marion**, U.S. EPA issued a TSCA CAFO on March 4, 1998, assessing a penalty of \$1,000, and obtaining a SEP costing \$154,500; conducted an inspection on October 21, 2002; and issued a NOV on November 8, 2002. The company addressed the violations noted in the NOV.

With respect to **New Boston Coke in Ironton**, U.S. EPA referred CAA violations to the U.S. Department of Justice (DOJ). The company has shut down and filed for bankruptcy. Since the complaint was never filed in federal court, U.S. EPA considers the case closed.

Concerning **Nylonge Inc. in Elyria**, U.S. EPA issued a consent agreement and consent order under the CAA on May 24, 1999, calling for payment of \$17,812 and obtaining a SEP that will reduce the emissions of hydrogen sulfide.

In relation to **PPG Industries in Circleville**, U.S. EPA has been reviewing RCRA-required reports submitted by the company for Owners and Operators of Offsite Waste and Recovery Operations (OSWRO) relating to Maximum Achievable Control Technology (MACT).

As to **Protec Coating Co. in Cleveland**, U.S. EPA negotiated a CAA consent decree, entered on February 11, 1999, assessing a penalty of \$1,050,000, and requiring the expenditure of an estimated \$5,000,000 to bring the company into compliance with the CAA.

With respect to **Republic Engineered Steel in Canton**, U.S. EPA filed a claim for injunctive relief in the company's Chapter 11 bankruptcy proceedings for the continuation of corrective action begun under a June 15, 1999 Administrative Order on Consent (AOC). The company, now known as Republic Technology International (RTI), filed for bankruptcy on April 2, 2001; and major portions of the facility were sold pursuant to a judicial sale. U.S. EPA is negotiating a modified AOC with RTI and a new AOC with one of the new owners – Republic Engineered Products – for corrective action on one of the parcels sold.

In regards to **Sun Company, Inc. (R&M) in Toledo/Oregon**, U.S. EPA is conducting negotiations concerning alleged CAA violations.

As to the **Tremont Landfill Site in Clark County**, U.S. EPA issued an AOC for a remedial investigation and feasibility study (RI/FS) under CERCLA for the Barrel Fill Operable Unit on

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October 3, 2002.

Regarding the **United States Steel/KOBE Steel facility in Lorain**, DOJ filed a CAA civil complaint for NSR and PSD violations in 1991. That case against the facility was resolved with a consent decree, entered on November 23, 1992, which the company later violated. It took eight years to finally resolve the matter. Lorain Tubular and Republic Technologies International (RTI) then purchased the facility, but RTI filed for bankruptcy in April of 2001. U.S. EPA and DOJ filed proofs of claim in that bankruptcy. When RTI emerged from bankruptcy in August of 2002, it changed its name to Republic Engineered Products. U.S. EPA, DOJ and Ohio EPA are currently conducting negotiations regarding multi-media matters at the facility.

With respect to **Vernay Laboratories in Yellow Springs**, U.S. EPA signed an administrative order on consent with the company on September 30, 2002, requiring corrective action at the facility.

With regard to **WCI Steel Inc in Warren**, U.S. EPA 1) filed a complaint in 1998 for violation of RCRA permitting and closure requirements, which resulted in an October 22, 1999 decision assessing a \$1,000,000 fine; 2) negotiated a consent decree under the CAA and CWA, entered on June 4, 1999, assessing a penalty of \$600,000 for CAA violations and a penalty of \$1,140,000 for CWA violations, and requiring a SEP for sediment removal; 3) issued a RCRA Section 7003 Order on September 17, 2002; and 4) issued an amended RCRA Section 7003 Order on January 21, 2003, addressing exposure of wildlife and migratory birds to solid wastes at the facility and oily waste ponds.

Regarding the **Wheeling-Pittsburgh Steel facilities in Mingo Junction and in Steubenville**, U.S. EPA filed claims in this company's Chapter 11 bankruptcy proceeding and is conducting negotiations regarding multi-media issues. U.S. EPA has also filed claims and is also conducting negotiations in regard to this company's Martins Ferry and Yorkville facilities.

As to **WTI in East Liverpool**, U.S. EPA issued an administrative order on March 17, 1995, resolving RCRA permit violations; conducted a hazardous waste compliance inspection in 2002; and has recently issued a request for additional information.